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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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09/590,010

06/09/2000

Osamu Shimizu

Q59648

8765

7590

06/16/2004

Sughrue Mion Zinn Macpeak & Seas  
2100 Pennsylvania Avenue N W  
Washington, DC 20037-3202

EXAMINER

LAMB, TWYLER MARIE

ART UNIT

PAPER NUMBER

2622

DATE MAILED: 06/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/590,010

Applicant(s)

SHIMIZU, OSAMU

Examiner

Twyler M. Lamb

Art Unit

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 26 March 2004.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |                                                                                                                        |                                                                                         |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                                                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

## DETAILED ACTION

### *Priority*

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### *Drawings*

2. The subject matter of this application admits of illustration by a drawing to facilitate understanding of the invention. Applicant is required to furnish drawings under 37 CFR 1.81. No new matter may be introduced in the required drawings.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-5 are rejected under 35 U.S.C. 102(e) as being anticipated by Honma et al. (Honma) (US 5,774,634).

With regard to claim 1, Honma discloses an image forming method for expressing gradations in each of unit blocks, being configured by a plurality of dots, on a basis of an input color image data (col 5, line 59 – col 6, line 15), wherein an image recording for one color is performed in such a way that unit blocks which are adjacent to each other in a main scanning direction of the image recording are provided with

Art Unit: 2622

gradation characteristics in different matrix arrangements by switching a front portion and a rear portion which are divided at an intermediate position in a sub-scanning direction (col 6, lines 6-29).

With regard to claim 2, Honma also discloses wherein each dot in the unit blocks is recorded at a size corresponding to given gradation (col 11, lines 19-38).

With regard to claim 3, Honma discloses an image forming method for expressing gradations in each of unit blocks, being configured by a plurality of dots, on a basis of an input color image data (col 5, line 59 – col 6, line 15), wherein an image recording for one color is performed in such a way that unit blocks which are adjacent to each other in a main scanning direction of the image recording are provided with gradation characteristics in different matrix arrangements by switching a first front portion and a first rear portion which are divided at an intermediate position in a sub-scanning direction in a matrix, while in an arrangement of unit blocks which are adjacent to each other in the sub-scanning direction are shifted by one half of one block of the matrix in the main scanning direction, and for other colors, unit blocks which are adjacent to each other in the sub-scanning direction of image recording are provided with gradation characteristics in different matrix arrangements by switching a second front portion and a second rear portion which are divided at an intermediate position in a main scanning direction in the matrix (col 6, lines 6-29).

With regard to claim 4, Honma also discloses wherein each dot in the unit blocks is a recording dot having a size defined by a given gradation which is set as a

Art Unit: 2622

part of a corresponding unit block on the basis of the color image data (col 11, lines 19-38).

With regard to claim 5, Honma also discloses wherein said one color is black color (col 8, lines 53-67).

With regards to claims 6-15, the limitations are met by the rejections above.

### ***Response to Arguments***

5. Applicant's arguments filed 3/26/04 have been fully considered but they are not persuasive.

Applicant argues Honma fails to teach or suggest an image recording for color image data is preformed in such a way that unit blocks, which are adjacent to each other in a main scanning direction of the image recording, are provided with gradation characteristics in different matrix arrangements by switching a front portion and a rear portion which is divided at an intermediate position in a sub-scanning direction, as recited in claim 1.

Honma discloses an image forming method for expressing gradations in each of unit blocks, being configured by a plurality of dots, on a basis of an input color image data (col 5, line 59 – col 6, line 15), wherein an image recording for one color is performed in such a way that unit blocks which are adjacent to each other in a main scanning direction of the image recording are provided with gradation characteristics in different matrix arrangements by switching a front portion and a rear portion which are divided at an intermediate position in a sub-scanning direction (col 6, lines 6-29).

Art Unit: 2622

***Conclusion***

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Twyler Lamb whose telephone number is 703 - 308-8823. The examiner can normally be reached on M-TH (8:30-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L Coles can be reached on 703-308-4712. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and 703-872-9314 for After Final communications.

Any response to this action should be mailed to:

Application/Control Number: 09/590,010

Page 6

Art Unit: 2622

Washington, DC 20231

or faxed to:

(703) 872-9314

(for informal or draft communications, such as proposed amendments to be discussed at an interview; please label such communications "PROPOSED" or "DRAFT")

or hand-carried to:

Crystal Park Two

2121 Crystal Drive

Arlington, VA.

Sixth Floor (Receptionist)

Twyler Lamb

A handwritten signature in black ink, appearing to be 'TL' or similar, written over the printed name Twyler Lamb.

June 14, 2004